



THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF : Donald E. Abrino et al.
FOR : REFRACTORY LINING FOR
METALLURGICAL VESSEL
SERIAL NO. : 10/726,086
FILED : December 2, 2003
EXAMINER : Not yet known
ART UNIT : Not yet known
ATTORNEY DOCKET NO. : NR7322US.CON

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement has been filed pursuant to the waiver issued by the U.S. Patent and Trademark Office on July 11, 2003, wherein the Office waived the requirement under 37 CFR 1.98(a)(2)(i) for submitting copies of each cited U.S. patent and each U.S. patent application publication, for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have *entered the national stage* under 35 USC § 371 after June 30, 2003.

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached form PTO-1449. The required copy of each document is enclosed *except for* documents previously cited by or submitted to the Office in a prior application(s) relied upon for an earlier filing date under 35 U.S.C. 120, said prior application(s) identified below:

Serial No.

Filing Date

2. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

3. Pursuant to 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited in this Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

4. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- ☐ Copy of each English language version of a search report by a foreign patent office in a counterpart foreign application, indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
 - ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents."
 - ☐ English-language abstract.
- (X) 5. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed:
- ☐ concurrently with the filing of the national application; or
 - (X) within 3 months of the filing date of a national application; or
 - ☐ within 3 months of the date of the entry of the national stage as set forth in 37 CFR 1.491 in an international application; or
 - ☐ before the mailing date of a first Office Action on the merits.

{NOTE: Statements filed within the foregoing periods require neither a fee nor a Certification}

- ☐ 6. Pursuant to 37 C.F.R. 1.97(c) this Statement is being filed *after* the mailing date of a first Office Action on the merits but *before* the mailing date of either: a Final Office Action under 37 C.F.R. 1.113 or a Notice of Allowance under 37 C.F.R. 1.311, whichever occurs first. Accordingly, this Statement is accompanied by:
 - ☐ Certification as specified in 37 C.F.R. 1.97(e); OR
 - ☐ The submission fee set forth in 37 C.F.R. 1.17(p). Enclosed is Form PTO-2038 authorizing the amount of \$180 to be charged to our credit card to cover the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement.
- ☐ 7. Pursuant to 37 C.F.R. 1.97(d) this Statement is being filed *after* the period specified in 37 C.F.R. 1.97(c), but *before or concurrent with* payment of the Issue Fee. Accordingly, this Statement is accompanied by:
 - A. Certification as specified in 37 C.F.R. 1.97(e); AND
 - B. The submission fee set forth in 37 C.F.R. 1.17(p). Enclosed is Form PTO-2038 authorizing the amount of \$180 to be charged to our credit card to cover the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement.

- () 8. Statement filed *after* payment of Issue Fee, but *before* patent grant:

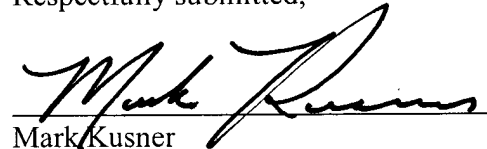
This Statement is being filed *after* payment of the Issue Fee, but *before* grant of the patent; accordingly it is understood that this Statement will *not* be considered. However, it is respectfully requested that this Information Disclosure Statement be placed in the application file. {NOTE: no fees or certification required}

- () 9. CERTIFICATION under 37 C.F.R. 1.97 (e) (if applicable):

- () The undersigned hereby certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Information Disclosure Statement, OR
- () The undersigned hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Information Disclosure Statement.

The Commissioner is hereby authorized to charge any additional fees required for consideration of this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0537, identifying our Docket No. NR7322US.CON.

Respectfully submitted,



Mark Kusner
Registration No. 31,115

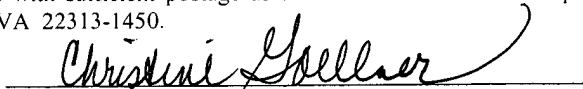
Date: March 2, 2004

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

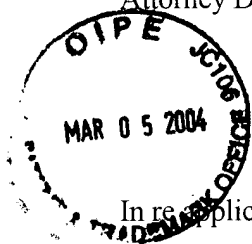
Date: March 2, 2004



Christine Goellner

Form PTO-1449

Attorney Docket: NR7322US.CON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

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U.S. Patent Documents

<u>Examiner Initials</u>	<u>Document Number</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>
_____	2,914,413	Nov. 1959	Mercer	106/84
_____	3,503,598	03/31/1970	L. Babel et al.	266/39
_____	3,646,722	03/07/1972	Salmi, III	52/745
_____	3,655,356	04/11/1972	Javaux	65/182 R
_____	3,665,870	05/30/1972	Lewicki	110/1 A
_____	4,177,855	Dec. 1979	Duchateau et al.	266/275
_____	4,424,756	01/10/1984	Merkle	110/332
_____	4,475,470	10/09/1984	Merkle	110/332
_____	4,744,544	May 1988	LaBate et al.	266/44
_____	4,989,843	02/05/1991	Dittrich et al.	266/283
_____	5,110,096	05/05/1992	Zacharias	266/227
_____	5,238,986	Aug. 1993	Montgomery	524/365
_____	5,395,096	03/07/1995	Moreira et al.	266/280
_____	5,704,184	01/06/1998	Meloy	52/608
_____	5,761,859	06/09/1998	Duda	52/204



U.S. Patent Documents - continued

<u>Examiner Initials</u>	<u>Document Number</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>
_____	5,800,775	09/01/1998	Vihnicka et al.	266/230
_____	5,879,616	03/09/1999	Erny	266/45
_____	5,882,583	03/16/1999	Erny	266/283
_____	6,017,487	01/25/2000	Fish	266/283

Foreign Patent Documents

<u>Examiner Initials</u>	<u>Document Number</u>	<u>Country</u>	<u>Date of Publication</u>	<u>Class</u>	<u>Translation (Yes/No)</u>
_____	2164281	GB	3/1986	222603	Yes

Other Prior Art (Inc. Author, Title, Date, Pertinent Pages, Etc.)

<u>Examiner Initials</u>	<u>Document</u>
_____	Derwent Document No. 1995-358956, Nov. 1994, 2 pages.
_____	Derwent Document No. 1995-358957, Nov. 1994, 2 pages.

Examiner:

Date Considered:

****Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.